

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ST. LOUIS-KANSAS CITY)	
CARPENTERS REGIONAL COUNCIL,)	
<i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:21-cv-1208-MTS
)	
MILLENNIUM INSTALLATION)	
GROUP, LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion for Entry of Default Order to Compel an Accounting, Doc. [9]. This action is pursuant to Section 502 of the Employee Retirement Income Security Act, [29 U.S.C. §§ 1132\(g\)\(2\)](#), and Section 301 of the Labor Management Relations Act, [29 U.S.C. § 185](#), to recover delinquent contributions (plus interest), liquidated damages, attorney’s fees, costs, and other damages owed. Doc. [1]. Plaintiffs filed the case on October 11, 2021, Doc. [1], and Defendant was served with the Summons and Complaint on October 16, 2021. Doc. [5]. Defendant has not filed an answer or otherwise entered an appearance. The Clerk of Court entered default against Defendant on March 15, 2022, consistent with [Fed. R. Civ. P. 55\(a\)](#). Doc. [8]. Plaintiffs subsequently moved for a default order of accounting seeking to compel Defendant to submit to a payroll audit and, thereafter, a judgment for contributions and damages owed. Doc. [9]. Defendant has not responded to either the entry of default or Plaintiffs’ Motion.

Once default has been entered against a defendant, “the allegations of the complaint, except as to the amount of damages[,], are taken as true.” *Greater St. Louis Constr. Laborers Welfare*

Fund v. Gateway Constr. Servs., 4:20-cv-00808-SEP, [2020 WL 6483944](#), at *1 (E.D. Mo. Nov. 4, 2020) (quoting *Greater St. Louis Constr. Laborers Welfare Fund v. AbatePro, Inc.*, 4:17-cv-02812-AGF, [2018 WL 5849980](#), at *1 (E.D. Mo. Sept. 6, 2018)). “With respect to damages in an action for delinquent fringe benefits, pursuant to [29 U.S.C. § 1132\(g\)\(2\)](#), a plaintiff is entitled to recover all of the principal contributions owed, plus interest, liquidated damages . . . , attorneys’ fees, and costs.” *Id.* at *2.


Plaintiffs have established that Defendant is a party to a collective bargaining agreement with the St. Louis-Kansas City Carpenters Regional Council. The Agreement requires Defendant to submit contributions to the Carpenters employee benefit funds and authorizes Plaintiffs to examine the financial records of Defendant to ascertain whether the required contributions were made. The only way in which Plaintiffs can determine the amount owed is through such financial examination.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs’ Motion for Default Order to Compel an Accounting, Doc. [9], is **GRANTED**. Defendant is to provide to Plaintiffs, within thirty (30) days of the date of this Order, the payroll registers and all other documents needed to perform an audit for the period from March 1, 2020 to date.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including but not limited to the entry of partial and final judgments, as it deems appropriate.

Dated this 4th day of April 2022


MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE